

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

NEWLAND DERRICK HAMBRICK,

Case No. 22-CV-2956 (NEB/DTS)

Petitioner,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

STATE OF MINNESOTA,

Respondent.

The Court has received the February 22, 2023, Report and Recommendation of United States Magistrate Judge David T. Schultz. (ECF No. 11.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation is ACCEPTED (ECF No. 11);
2. The application to proceed in District Court without prepaying fees or costs is DENIED as moot (ECF No. 3.);
3. The motion to vacate judgement is DENIED as moot (ECF No. 7); and
4. The action is DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 12, 2023

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge